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Preparatory Commission for the International Criminal Court
Working Group on Rules of Procedure and Evidence related to Part 4 of the Statute
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Coordinator's discussion paper

Part 4. Organization and composition of the Court

Rules relating to texts, amendments and solemn undertaking. Rules relating to the organization of the Court (replacements and alternate judge).

Authentic texts[1]

The Rules have been adopted in the official languages of the Court established by article 50, paragraph 1. All texts are equally authentic.

Amendments[2]

1. Amendments to the Rules which are proposed in accordance with article 51, paragraph 2, shall be forwarded to the President of the Bureau of the Assembly of States Parties.

2. The President of the Bureau of the Assembly of States Parties shall ensure that all proposed amendments are translated into the official languages of the Court and are transmitted to the States Parties.

[1] Further consideration shall be given to the placement of this rule. It may not entirely pertain to Part 4 of the Statute.

[2] Further consideration shall be given to the placement of this rule. It may not entirely pertain to Part 4 of the Statute.

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3. The procedure described in paragraph 1 and 2 of the present rule shall also apply to the provisional rules referred to in article 51, paragraph 3.

Solemn undertaking

1. As provided in article 45, before exercising their functions under the Statute, the following solemn undertakings shall be made:

(a) In the case of a judge:

"I solemnly undertake that I will perform my duties and exercise my powers as judge of the International Criminal Court honourably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of investigations and prosecutions and the secrecy of deliberations."

(b) In the case of the Prosecutor, a Deputy Prosecutor, the Registrar and the Deputy Registrar of the Court:

"I solemnly undertake that I will perform my duties and exercise my powers as (title) of the International Criminal Court honourably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of investigations and prosecutions."

2. The undertaking, signed by the person making it and witnessed by the President or a Vice-President of the Bureau of the Assembly of States Parties, shall be filed with the Registry and kept in the records of the Court.

Solemn undertaking by the staff of the Office of the Prosecutor, the office of the Registry, interpreters or translators

1. (a) Upon commencing employment, every staff member of the Office of the Prosecutor or of the registry shall make the following undertaking:

"I solemnly undertake that I will perform my duties and exercise my powers as (title) of the International Criminal Court honourably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of investigations and prosecutions."

(b) The undertaking signed by the person making it and witnessed, as appropriate, by the Prosecutor, the Deputy Prosecutor, the Registrar or the Deputy Registrar shall be filed with the Registry and kept in the records of the Court.

2. (a) Before performing any duties, an interpreter or a translator shall make the following undertaking:

"I solemnly declare that I will perform my duties faithfully, impartially and with full respect for the duty of confidentiality."

(b) The undertaking, signed by the person making it and witnessed by the President of the Court or his or her representative, shall be filed with the Registry and kept in the records of the Court.

Replacements

1. A judge may be replaced for objective and justified reasons, *inter alia*:

(a) Resignation;

(b) Accepted excuse;

(c) Disqualification;

(d) Removal from office;

(e) Death.

2. Replacement shall take place in accordance with the pre-established procedure provided in the Statute, these Rules and the Regulations of the Court.

Alternate judge[3]

Where an alternate judge has been assigned by the Presidency to a Trial Chamber pursuant to article 74.1 of the Statute, he or she shall sit through all proceedings and deliberations of the case, but may not take any part therein and shall not exercise any of the functions of the members of the Trial Chamber hearing the case, unless and until he or she is required to replace a member of the Trail Chamber if that member is unable to continue attending.

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[3] A procedure for the designation of an alternate judge should be considered in the framework of Part 6 of the Statute.